

Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Figure 5 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. The drawing Figure 5 has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-14 are currently pending. By way of the present reply, Applicant has amended claims 1, 4, 5, 10, 12-14. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14 are now pending in this application.

Drawing Objection

In the Office Action, the Examiner objected to Step S1 of Figure 5. The Examiner stated that Step S1 was not very clear because the labeling of Step S1 did not indicate what was being compared with the i/o address. (Office Action, ¶2). In order to expedite prosecution, Applicants have attached hereto an amended Figure 5. The drawing has been amended, and Step S1 now clearly indicates that the predetermined i/o address is compared to a predetermined bit value provided during the initiation of an automatic start instruction. Reconsideration and withdrawal of the objection is respectfully requested.

Claim Objections – Informalities and Indefiniteness

Claims 12-14 stand rejected because of informalities. Claims 10-14 stand rejected under 35 U.S.C. §112, second paragraph as failing to define the invention. Applicant respectfully traverses these rejections as follows:

With respect to the informalities of claims 12-13, the claims have been amended to correct the informalities. Reconsideration and withdrawal of the objection is respectfully requested.

With respect to the rejection of claims 10-14, independent claim 10 and dependent claims 12-14 have been amended. Applicant believes claims 10-14 comply with 35 U.S.C. §112, second paragraph, and now define the invention clearly and positively. The structure is organized and correlated in such a manner as to present a complete operative device, as

requested by the Examiner. (Office Action, ¶7). Reconsideration and withdrawal of the objection is respectfully requested.

Claim Rejections – Prior Art

Claims 1-3, 7-9 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over iPAQ (iPAQ Networking 11Mbps Wireless PC Cards, 2001). Furthermore claims 4 and 6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over iPAQ in view of Hall et al. (U.S. Pub. No. 2004/0203352). Applicant respectfully traverses these rejections as follows:

Independent claim 1 has been amended to recite a separate power supply configured to provide power even when the main power supply of the data terminal device is off. iPAQ does not disclose a wireless utilization detecting system having a separate power supply configured to provide power even when the main power supply is off. Rather, iPAQ discloses a wireless utilization detecting system wherein the main power supply of the data terminal must be turned on to provide power. The relevant portion of iPAQ states “Verify that the notebook PC in which the Wireless PC Card is installed is powered on.” (iPAQ, page 18). Therefore, iPAQ can not disclose the power supply features of claim 1.

Furthermore, the Examiner contends that iPAQ discloses a wireless utilization detecting system comprising a housing detachably mounted on a data terminal device. (Office Action, ¶14). Applicant respectfully disagrees. iPAQ discloses a Wireless PC Card which fits into a PC card slot or housing. (iPAQ, page 11). Further, iPAQ does not disclose a detachable housing, as the housing in which the Wireless PC Card fits into is attached to the personal computer. (iPAQ, page 11). Therefore, iPAQ can not disclose a wireless LAN utilization detecting system which comprises a housing detachably mounted, as recited in claim 1.

With respect to the combination of iPAQ and Hall, the Examiner contends that one skilled in the art would combine iPAQ’s teaching of the network interface and Hall’s teaching of the passive RFID to derive energy from a detected signal to minimize the complexity or size of the device by eliminating the need to carry its own battery. (Office Action, ¶23). Applicant respectfully disagrees.

One skilled in the art would not combine Hall and iPAQ. The system disclosed in Hall does not require a wired connection to a data terminal device. (Hall, paragraph 25). In contrast, iPAQ discloses a Wireless PC card which requires a wired connection to a data terminal device. (iPAQ, page 11). Therefore, a person of ordinary skill in the art would not combine iPAQ and Hall because of the dissimilar wired connection requirements.

Furthermore, even if the references are combined, the combination would not result in the claimed device. Hall discloses a device comprising a passive RFID system (Hall, paragraph 23 and figure 4) which is separate from the wireless communication module (Hall paragraph 29 and figure 4). However, the wireless communication module of Hall is the same as the Wireless PC Card as disclosed in iPAQ (iPAQ, pages 4 and 5). Both the Wireless PC Card disclosed in iPAQ and the wireless communication module of Hall are wireless communication radio devices designed to communicate with a wireless receiver. Consequently, if the two references are combined, iPAQ will not add anything to the Hall reference, and the combination would not result in the claimed device.

Lastly, Hall teaches away from the creation of a single wireless LAN utilizability detecting system, as recited in claim 1. The Examiner contends that the combination of iPAQ and Hall teaches a single wave detecting means which operates without being supplied power from a separate power supply. (Office Action, ¶23). However, Hall provides a separate passive RFID tag system used for notification (Hall, paragraphs 23 and 24), instead of a single wireless LAN utilizability detecting system, as recited in claim 1. Therefore, Hall teaches away from the creation of a single wireless LAN utilizability detecting system, as recited in claim 1.

For at least the foregoing reasons, Applicant submits that iPAQ and Hall fail to disclose, teach, or suggest the combination of features recited in independent claim 1. Claims 2-9 are dependent from claim 1, and are believed to be patentable over iPAQ and Hall for at least the same reasons as claim 1.

Conclusion

Applicant believes that all pending claims are allowable and that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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ANNOTATED SHEET

TITLE: Wireless LAN Utilizability Detecting System And Method
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SERIAL NO.: 10/658,199
ATTORNEY DOCKET NO.: 071671-0169

FIG.5

